

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEVIN FRANKLIN,

Defendant.

Case No. 2:21-cr-20377

HONORABLE STEPHEN J. MURPHY, III

**ORDER ADOPTING REPORT AND RECOMMENDATION [49]**

Defendant Kevin Franklin was indicted for possession of a firearm in violation of 18 U.S.C. § 922(g)(1). ECF 14, PgID 28. He voluntarily consented to a plea hearing before a United States Magistrate Judge. ECF 46, PgID 258. Defendant appeared for a plea hearing before Magistrate Judge David R. Grand and pleaded guilty to felon in possession of a firearm and to being an armed career criminal. ECF 49, PgID 262–63.

Judge Grand issued a report and recommendation. ECF 49. He found that Defendant was competent to enter a guilty plea and that he did so “knowingly, intelligently, and voluntarily, without coercion.” *Id.* at 263. He also found that “the offense to which [Defendant] Franklin pleaded guilty is supported by an independent basis in fact containing each of the essential elements of the offense.” *Id.* Based on his findings, Judge Grand recommended that “[Defendant’s] guilty plea be accepted, [Defendant] be adjudged guilty of the offense charged, and that the Court impose the



sentence it determines is appropriate.” *Id.* No party objected to the report and recommendation. *See id.* at 264 (quoting Fed. R. Civ. P. 72(b)(2)).

After a careful review of the record and Magistrate Judge Grand’s report and recommendation, ECF 49, the Court finds that Judge Grand’s conclusions are factually based and legally sound. Accordingly, the Court will adopt the findings of the report and recommendation and proceed to sentencing, which is set for August 17, 2023 at 11:00 a.m. in Courtroom 216.

**WHEREFORE**, it is hereby **ORDERED** that the Court **ADOPTS** the findings of the report and recommendation [49].

**IT IS FURTHER ORDERED** that the Court **ACCEPTS** Defendant’s plea of guilt.

**IT IS FURTHER ORDERED** that sentencing is **SET** for August 17, 2023 at **11:00 a.m.** in Courtroom 216.

**SO ORDERED.**

s/ Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: May 2, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 2, 2023, by electronic and/or ordinary mail.

s/ David P. Parker  
Case Manager